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## Croatia

## Biotechnology

## Pioneer Sued for Non-Approved Biotech Content Found in Corn Seeds

**2004**

**Approved by:**

Quintin Gray  
U.S.Embassy

**Prepared by:**

Andreja Misir

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**Report Highlights:**

After an out-of-court settlement attempt failed, earlier this month, according to Croatian press, the Croatian Ministry of Agriculture (CMOA) sued Pioneer Seeds Croatia for damages the Ministry paid farmers for destroying corn crops planted from GMO seeds imported by Pioneer Seeds. This report also contains a list of legal actions that Pioneer has undertaken against the CMOA and the company's view of the situation.

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Includes PSD Changes: No  
Includes Trade Matrix: No  
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Vienna [AU1]  
[HR]

In June this year, the Croatian Ministry of Agriculture announced that Pioneer Croatia is the company responsible for illegally placing corn variety PR 34G13 with trace amounts of biotech content on the Croatian market and said that Pioneer will have to pay penalties, as well as the costs of withdrawing all seeds from the market, destroying planted fields, and compensating farmers (HR 4014 and HR 4016). According to official sources, repeated GMO tests carried out in Croatia and by an independent laboratory in Switzerland showed that the seed in question contained GMOs.

After a recent attempt to reach an out-of-court settlement with Pioneer Croatia, earlier this month, according to Croatian press, the Ministry decided to sue the company for damages alleging that the company intentionally allowed GMO corn seed to be sown in Croatia. The 2003 Nature Protection Law is murky on the issue of paying compensation to farmers for crop destruction and it remains to be seen what the court will decide.

Last summer, the Ministry of Agriculture had to earmark 12.8 million kuna (\$ 2.2 million) for the removal of GMO corn, which was sown on 1,790 hectares. The funds were paid to farmers in compensation for the damages they suffered after they sowed the corn of the PR34G13 type, which contained genetically modified organisms. The Ministry immediately paid compensation to farmers to spare farmers the costs of expensive and lengthy court proceedings.

Below is a brief summary of legal actions that Pioneer has taken against the Ministry of Agriculture (provided by Pioneer's lawyer):

Pioneer has already:

- a) Sent a formal request on July 15th to the AG Ministry to provide written information and complete documentation on the tests run thus far by the officials (protocol applied; events found, etc.). No reply received. This request was denied on the basis that "Institute for Public Health is under no obligation to disclose such information" and that "no tests were ever ordered or performed by a Swiss laboratory".
- b) Filed a "Legal Motion" for renewal of the Testing Procedure by the AG Ministry (July 19th). This motion was denied on the basis that "there were no errors in the administrative procedure".
- c) Filed a "Motion for issuance of preliminary injunction to suspend the Chopping Order and securing of evidence" with the competent Civil Court at Nova Gradiska. Pioneer received the support of one farmer and managed to perform grain testing. Subsequently, after the sampling, both motions were withdrawn. Samples of the seed and grain (including those tested already by the Croatian authorities) have been sent to Pioneer's EU lab, Agrogene, in France. Results received from Agrogene confirmed Pioneer's position.
- d) Filed an Administrative claim against the Interim Solution that was sent to Pioneer (dated July 9th but only sent and received on July 15th) to ask Pioneer to stop selling or otherwise disposing of all quantities of PR34G13 seed in Croatia and against the Chopping Order issued on July 15th against farmers "who have planted PR34G13 in

Croatia" (lot number and the lots tested by the Croatian Government are not relevant), providing for 10 days from publication in the Official Gazette to chop the crop. Farmers have been asked to identify themselves spontaneously (unless contacted by the Authorities), to provide evidence of the purchasing of the hybrid from Pioneer (invoices or bag seed certificates) and identify the fields planted with Pioneer seed. The case is currently pending at the Administrative Court in Zagreb. So far Pioneer has had no feedback from the Court or from the Ministry.

- e) Filed an Administrative claim against the resolution denying Pioneer's motion for renewal of the testing procedure. The case is currently pending at the Administrative Court in Zagreb. So far Pioneer has had no feedback from the Court or from the Ministry.
- f) Attended numerous meetings with the Ministry of Agriculture in order to resolve this situation. All negotiations so far have failed.

To the best of Pioneer's knowledge, there is no lawsuit pending at any court in Croatia (in spite of public statements by the Ministry) for compensation of damages. Furthermore, Pioneer never received any formal request for compensation of such damages. They are, however, aware that the Ministry of Agriculture sent a motion to the Ministry of Culture (competent Ministry for such proceedings) for fining of Pioneer and Mr. Jukic as member of the board for unauthorized release of GMOs into the environment. Pioneer was unofficially told that "there will be no fines if Pioneer agrees on compensation of damages". Since all negotiations have failed, Pioneer expects to receive this motion soon.